



QUESTIONS FOR FREEDOM OF INFORMATION COMMISSION NOMINEE

By: Terrance Adams, Associate Analyst

FREEDOM OF INFORMATION COMMISSION ([CGS §§ 1-205 AND 1-205A](#))

- The Freedom of Information Commission (FOIC) is located within the Office of Governmental Accountability and consists of nine members. The governor appoints five members who serve four-year, staggered terms. The Senate president, House speaker, Senate minority leader, and House minority leader each appoint one member who serves a two-year term. No more than five members may be from the same political party. Either chamber of the General Assembly confirms.
- The commission staff is composed of (1) an executive director and general counsel, (2) a managing director and associate general counsel, and (3) other staff as the executive director deems necessary.
- The commission reviews complaints of Freedom of Information Act (FOIA) violations and ensures that the public has access to government records and notice of public meetings.
- FOIC can investigate allegations and, among other things, hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, and subpoena witnesses.
- The commission must conduct annual training sessions to educate state employees about FOIA.

QUESTIONS

1. How easy or difficult is it for public agencies to interpret and comply with FOIA? What steps can the commission take to improve compliance?
2. In June 2014, the Connecticut Supreme Court affirmed that, during a pending prosecution, only limited information concerning a person's arrest (i.e., "blotter" information and a report of the arrest) is subject to disclosure under FOIA. Do you believe that this is an appropriate level of disclosure, or should more information be subject to disclosure? Please explain further.
3. The Government Administration and Elections Committee is currently considering House Bill 6750, which would overturn the court's decision. The chief state's attorney testified that the bill could result in the disclosure of records concerning people who are arrested but later exonerated. What is your response to this testimony?
4. In the current legislative session, several bills were introduced that would subject university foundations (e.g., the UConn Foundation) to FOIA. UConn and its foundation testified that the bills would have a chilling effect on donations to the foundation. What is your response to this testimony?
5. About how many complaints does the commission receive in a year? How can the commission's standard procedure for hearing complaints be improved?
6. What do you see as the most important short- and long-term goals for the commission?
7. How can frivolous or abusive FOIA requests be addressed without restricting access to public records for everyone else?
8. There are dozens of FOIA exemptions throughout the general statutes. Generally speaking, are these exemptions appropriate? Should any of them be repealed?
9. In testimony before the legislature, FOIC has stated that the FOIA exemption under CGS § 1-217 for the residential addresses of certain parties (e.g., Department of Correction employees) provides "illusory" protection. How is the protection illusory? Are there other steps the legislature could take to protect these parties' addresses and other personal information?

10. Public records often include information provided by private individuals, whether voluntarily or involuntarily. Do you believe that FOIA requires too much disclosure of information concerning private individuals, or does it strike the right balance between their privacy and the public's right to know? Please explain further.
11. The Internet has enabled private individuals to publish public records that may contain sensitive information about other people (e.g., dates of birth). Do you believe that FOIA should be amended to address this practice? Please explain further.
12. FOIA was enacted in 1975. Does it sufficiently address the continued growth of e-government and electronic records? What changes, if any, would you recommend to FOIA to address emerging technologies?
13. Public officials increasingly use personal devices (e.g., smartphones) and e-mail accounts to conduct public business. What are your thoughts on this practice? What steps can agencies take to ensure that public records sent to and from these devices and accounts remain available for public inspection?

TA:tjo